

BANKING DIVISION[187]

Notice of Intended Action

Proposing rule making related to uniform waiver and variance and providing an opportunity for public comment

The Iowa Division of Banking (IDOB) hereby proposes to amend Chapter 12, “Uniform Waiver and Variance Rules,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 17A.3 and 524.213.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 17A.9A and chapter 524.

Purpose and Summary

The proposed amendments reflect the Iowa Division of Banking’s compliance with Iowa Code section 17A.7(2), which states that, as of July 1, 2012, “over each five-year period of time, an agency shall conduct an ongoing and comprehensive review of all of the agency’s rules [and t]he goal of the review is the identification and elimination of all rules of the agency that are outdated, redundant, or inconsistent or incompatible with statute or its own rules or those of other agencies.” The proposed amendments to Chapter 12 are intended to update statutory references to reflect the correct authority for the rules.

Fiscal Impact

No current fees are being changed, and no new fees are being added; therefore, the IDOB has concluded that the proposed amendments will not have a fiscal impact to the State of Iowa.

Jobs Impact

Because no existing authorized activities are being restricted, no new activities are being authorized, no existing fees are being increased, and no new fees are being added, the IDOB has concluded that the proposed amendments will have no impact on jobs in Iowa.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the IDOB for a waiver of the discretionary provisions, if any, pursuant to 187—Chapter 12.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the IDOB no later than 4:30 p.m. on September 4, 2018. Comments should be directed to:

Zak Hingst
Iowa Division of Banking
200 East Grand Avenue, Suite 300
Des Moines, Iowa 50309-1827
Phone: 515.281.4014
Email: zak.hingst@idob.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule **187—12.1(17A,ExecOrd11)**, parenthetical implementation statute, as follows:

187—12.1(17A,~~ExecOrd11~~ 524) Scope of chapter.

ITEM 2. Amend rule **187—12.2(17A,ExecOrd11)**, parenthetical implementation statute, as follows:

187—12.2(17A,~~ExecOrd11~~ 524) Superintendent discretion.

ITEM 3. Amend rule **187—12.3(17A,ExecOrd11)**, parenthetical implementation statute, as follows:

187—12.3(17A,~~ExecOrd11~~ 524) Requester’s responsibilities in filing a waiver or variance petition.

ITEM 4. Amend rule **187—12.4(17A,ExecOrd11)**, parenthetical implementation statute, as follows:

187—12.4(17A,~~ExecOrd11~~ 524) Notice.

ITEM 5. Amend rule **187—12.5(17A,ExecOrd11)**, parenthetical implementation statute, as follows:

187—12.5(17A,~~ExecOrd11~~ 524) Superintendent’s responsibilities regarding petition for waiver or variance.

ITEM 6. Amend rule **187—12.6(17A,ExecOrd11)**, parenthetical implementation statute, as follows:

187—12.6(17A,~~ExecOrd11~~ 524) Public availability.

ITEM 7. Amend rule **187—12.7(17A,ExecOrd11)**, parenthetical implementation statute, as follows:

187—12.7(17A,~~ExecOrd11~~ 524) Voiding or cancellation.

ITEM 8. Amend rule **187—12.8(17A,ExecOrd11)**, parenthetical implementation statute, as follows:

187—12.8(17A,~~ExecOrd11~~ 524) Violations.

ITEM 9. Amend rule **187—12.9(17A,ExecOrd11)**, parenthetical implementation statute, as follows:

187—12.9(17A,~~ExecOrd11~~ 524) Defense.

ITEM 10. Amend rule **187—12.10(17A,ExecOrd11)**, parenthetical implementation statute, as follows:

187—12.10(17A,~~ExecOrd11~~ 524) Appeals.

ITEM 11. Amend rule **187—12.11(17A,ExecOrd11)**, parenthetical implementation statute, as follows:

187—12.11(17A,~~ExecOrd11~~ 524) Summary reports.

ITEM 12. Amend **187—Chapter 12**, implementation sentence, as follows:

These rules are intended to implement ~~Executive Order Number 11~~ and Iowa Code section 17A.9A and chapter 524.